

### III. REMARKS/ARGUMENTS

#### *A. Generally*

Inventorship of this application has been corrected by a Request to Correct Inventorship filed June 27, 2003, to properly include Jim Lee as an inventor. In addition, the undersigned attorneys have been appointed to continue the prosecution of this application, by a Declaration and Power of Attorney attached hereto. Please direct all further communications to the undersigned.

Claims 1 - 44 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 95 - 97 of copending application Serial No. 10/074,082. Applicant has noted this provisional rejection, and defers further response pending an indication of allowability in either application.

The Examiner has indicated that claims 14, 6, and 44 were objected to. Applicant, by this Amendment, has amended claim 14 to address the objection. Claims 6 and 44 are actually in correct form, as explained in detail infra.

The Examiner has indicated that claims 1 - 44 are pending in the application; that all claims are rejected under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) by Lee US Patent No. 4,789,801 and/or Sakakibara et al. US Patent No. 4,643,745. Applicant, by this Amendment, respectfully traverses these rejections, and submits argument in support thereof.

#### *B. Response to Rejections Based on 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)*

Lee US Patent No. 4,789,801 discloses an electrokinetic transducing apparatus where the "interstitial electrodes" (here, an additional array) constitute passive collector electrodes, grounded by a common bus (see Lee column 6, lines 26 - 36). There is no disclosure of, nor suggestion of, an interstitial electrode having the same polarity as the first electrode, i.e., the opposite polarity of the collector electrode. Similarly, Sakakibara et al. US Patent No. 4,643,745

teaches an air cleaner using ionic wind where there is a counter electrode with two sets of plates that have different voltage but the same polarity, i.e., both sets of plates are the opposite polarity from the discharge electrode (see Sakakibara et al. column 6, lines 46 - 55, describing Fig. 8, where the embodiment of Fig. 9 is similar, see Sakakibara et al. column 6 lines 61 - 64). Again, there is no disclosure of, nor suggestion of, an interstitial electrode having the same polarity as the first electrode, i.e., the opposite polarity of the collector electrode. Indeed, it would be contrary to the teachings of either of these references to provide an interstitial electrode with the same polarity as the first, or discharge, electrode.

Applicant's invention, on the other hand, specifically discloses an interstitial electrode which is electrically connected to the first (discharge) electrode, and generates an electric field with the same charge (preferably positive, but alternatively negative) as the first electrode, i.e., they have the same polarity (see the present specification, paragraph 127). Thus, the instant invention does not use the interstitial electrode as a collector. Rather, the interstitial electrode is used to repel like charged cations and urge them toward the oppositely charged collectors, rendering the collectors more efficient. This also achieves an increased de-ionizing effect upon the cations which enhances negative ion output, increases air velocity, and increases molecular size.

Applicant has amended the independent claims submitted herewith to include this distinction. Accordingly, it is respectfully submitted that none of the pending claims are anticipated by or rendered obvious by the patents to Lee or Sakakibara et al., alone or in combination.

#### IV. CONCLUSION

In view of these amendments and comments it is believed that each of the presently pending claims in this application is in condition for immediate allowance, and such allowance is

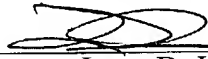
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therefore respectfully requested. The Examiner is invited to call Applicant's undersigned attorney if, in the opinion of the Examiner, a telephone conference will in any way expedite prosecution of this application.

Respectfully Submitted,

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